

1 DAVID BURCHARD,
2 CHAPTER 13 TRUSTEE
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6 **UNITED STATES BANKRUPTCY COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**
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9) Case No.: 11-1-4374AJ13
10 In re)
11 PAULITA P. CABRERA BASTO) **AMENDED TRUSTEE'S OBJECTION TO**
12) **DEBTOR'S APPLICATION TO MODIFY**
13) **CHAPTER 13 PLAN**
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TO THE UNITED STATES BANKRUPTCY JUDGE, DEBTOR(S)' COUNSEL,
DEBTOR(S), AND OTHER PARTIES IN INTEREST:

David Burchard, Chapter 13 Trustee (“Trustee”), for the Santa Rosa and San Francisco Divisions of the United States Bankruptcy Court for the Northern District of California, hereby submits the following Amended Objection to Application to Modify Chapter 13 Plan proposed by EVAN LIVINGSTONE for PAULITA P. CABRERA BASTO (“Debtor(s)”). This objection is based upon all pleadings, papers and documents filed herein, together with those matters of which judicial notice has been requested, and any oral argument, which may be presented.

The Trustee hereby objects to the Application to Modify Chapter 13 Plan, dated February 10, 2015.

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1 The Trustee is unable to verify the basis for the application and Debtor's substantial
2 change in income and/or expenses without Debtor providing the following information:

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- 4 Amended Schedules I and J
- 5 A signed copy of 20 Federal Income Tax Returns
- 6 Verification of income to substantiate change in plan payments
- 7 Other: Creditor IRS has not filed a claim for the priority tax of \$4,044.00 as
8 provided for in the Modified Plan. If this claim is to be paid through the plan
9 Trustee requests a proof of claim be filed.
- 10 Proposed plan payments of \$353.00 for a plan term of 55 months are not
11 sufficient to pay remaining secured and administrative claims in full with the
12 addition of the IRS claim.

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14 Therefore, the Trustee requests that this objection be sustained, Debtor's Application to
15 Modify Chapter 13 Plan be denied, and other relief this Court deems proper.

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17 Dated: May 22, 2015

18 _____
19 /s/ David Burchard _____
20 DAVID BURCHARD
21 CHAPTER 13 TRUSTEE

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CERTIFICATE OF SERVICE
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I am over the age of 18 years and not a party to this action. I am employed by the Trustee whose business address is 1065 E. Hillsdale Blvd., Suite #200, Foster City, CA. On the date set forth below, I served a true and correct copy of **TRUSTEE'S OBJECTION TO DEBTOR'S APPLICATION TO MODIFY CHAPTER 13 PLAN** and this **Certificate of Service**, on the persons listed below by following our ordinary business practice for service, which is either deposited in the ordinary course of business with the U.S. Postal Service by first class mail or served by electronic transmission from the Court, if applicable. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

PAULITA P. CABRERA BASTO
4024 NEW ZEALAND AVE
SANTA ROSA, CA 95407

EVAN LIVINGSTONE
LAW OFFICES OF EVAN LIVINGSTONE
740 FOURTH ST # 215
SANTA ROSA, CA 95404-0000

Dated: May 22, 2015

/s/ NICOLE SAN JOSE

NICOLE SAN JOSE